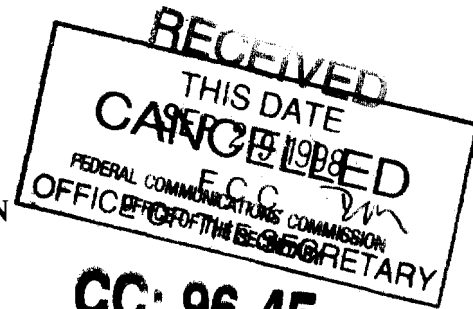


ORIGINAL

EX PARTE OR LATE FILED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



CC: 96-45

In Re U.S. Network, Inc.'s
Petition for Waiver of
Universal Service Contribution

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§
§

File No. _____

RECEIVED

SEP 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION OF U.S. NETWORK, INC.'S
FOR WAIVER OF UNIVERSAL SERVICE CONTRIBUTION

TO THE HONORABLE SECRETARY, FEDERAL COMMUNICATIONS COMMISSION:

COMES NOW U.S. Network, Inc. (hereinafter "U.S. Network"), and pursuant to section 47 C.F.R. 1.3 files this request for waiver of the basis for assessing its universal service contribution, to permit it to contribute based on current revenues.

U.S. Network is an operator services provider that contributes to the Universal Service Fund ("the Fund"). U.S. Network's contributions to the Fund, like other contributor's, are based in part on its end-user telecommunications revenues from the previous year. 47 C.F.R. §§54.709, 54.711.¹ The Universal Service Administrative Company ("USAC") recently sent U.S. Network a statement of charges which are based on this historical benchmark. Regrettably, however, U.S. Network's current revenues are considerably smaller than the historical revenues on which the assessment is based, and U.S. Networks will not be financially able to pay into the Fund under the current assessment scheme for at least the remainder of 1998. (See attached affidavit of ____). Thus, U.S.

¹ Pursuant to FCC Form 457, U.S. Network filed with the Universal Service Administrator, a Universal Service Worksheet containing data for the prior calendar year to be used by the Administration for calculating U.S. Network's contributions from July 1998 to December 1998.

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Network requests that it be given authority to base its contribution to the Fund on current revenues and that, pursuant to 47 C.F.R. 1.3, the Commission waive the application of the current assessment rules that base contributions on historical revenues.

Because USAC assumes a revenue stream for contribution purposes that will not be realized by U.S. Network, U.S. Network will not be able to pay the entire amount of its contribution that is currently due; however, U.S. Network will cooperate fully with the USAC to contribute to the Fund based on current revenues. (See the attached affidavit of ____.) Thus upon request, U.S. Network will file confidential supplemental pleadings or documentation with the Commission and/or USAC that detail what the contribution should be using current revenues and attesting to the revenues currently received by U.S. Network.

WHEREFORE, PREMISES CONSIDERED, U.S. Network respectfully requests that the Commission authorize U.S. Networks to calculate its contribution on the basis of its current revenues and waive the rules currently requiring it to make payments based on last year's revenues.

Respectfully submitted,

BICKERSTAFF, HEATH, SMILEY, POLLAN,
KEVER & McDANIEL, L.L.P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443
(512) 472-8021
(512) 320-5638 (Fax)

By:



CAROLYN E. SHELLMAN

Texas Bar No. 18196200

JANA BURK

Texas Bar No. 90001867

CC: Universal Service Administrative Company
Accounting Policy Division, Common Carrier Bureau

00/18/08 FRI 00:31 FAX 512 320 5038

BICKERSTAFF, HEATH, SMILBY

002

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

AFFIDAVIT OF LLOYD LANE

BEFORE ME, the undersigned authority, on the 18th day of September 1998, personally appeared Lloyd Lane of U.S. NETWORK, INC. ("U.S. Network"), who upon being by me duly sworn, on oath depose and said the following:

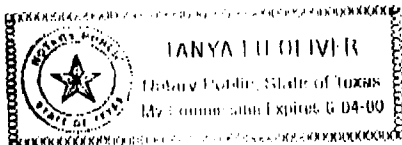
- 1 "My name is Lloyd Lane. I am over the age of twenty-one (21), of sound mind and competent to testify to the matters stated herein. I am President of U.S. Network.
- 2 "U.S. Network's current revenues are considerably smaller than the historical revenues on which the assessment is based, and U.S. Networks will not be financially able to pay into the Fund under the current assessment scheme for at least the remainder of 1998."
- 3 "U.S. Network will cooperate fully with the USAC to contribute to the Fund based on current revenues."

Further, Affiant sayeth not



LLOYD LANE

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Lloyd Lane, on this the 18th day of September, 1998.





Notary Public